

JC20 Rec'd PCT/PTO 1 4 JUN 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE PATENT OPERATIONS

In re: Bernd HABER *et al.*

International Application No.: PCT/EP2003/014713

International Filing Date: December 22, 2003

Title: ***Cholesterol-reducing agent containing an n-3 fatty acid***

Commissioner for Patents
Alexandria, VA 22313-1450
Dear Sir:

Charlotte, NC 28211
June 14, 2005

INFORMATION DISCLOSURE STATEMENT

Pursuant to Rule 56 and Rule 97 *et seq.*, Applicant hereby submits the attached Forms PTO/SB/08A and PTO/SB/08B and the references listed thereon. The references are in PDF Format and Word on the enclosed CD. Applicant respectfully requests that each reference be reviewed and made of record in the attached Application.

This submission does not represent an admission that each or all of the listed documents are material or constitute "prior art." Applicant respectfully requests that each reference be reviewed and made of record in the instant application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-2193.

Respectfully submitted,



Cathy R. Moore
Reg. No. 45,764
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Complete if Known

10/539174

PTO/SB/08A							
Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Intn'l App. No.	PCT/EP2003/014713		
				Intn'l Filing Date	December 22, 2003		
				First Named Inventor	Bernd HABER		
				Group Art Unit			
				Examiner Name			
Sheet	1	Of	2 Sheets	Atty Docket No.	02/085 NUT		
U.S. PATENT DOCUMENTS							
Examiner Initials ¹	Cite No.	U. S. Patent Number	Kind Code	Name of Patentee or Applicant of Cited Document	Publication Date	Class	Sub Class
		4,027,009		Grier, et al.	5/31/1977	424	78.08
		4,231,938		Monaghan et al.	11/04/1980	260	343.5
		4,346,227		Terahara et al.	08/24/1982	560	119
		4,444,784		Hoffman et al.	04/24/1984	424	279
		5,177,080		Angerbauer et al.	01/05/1993	514	277
		5,273,995		Roth	12/28/1993	514	422
		5,354,772		Kathawala	10/11/1994	514	414
		5,998,400		Brieaddy et al.	12/07/1999	514	211
		6,087,353		Stewart et al.	07/11/2000	514	182
		6,180,660		Whitney et al.	01/30/2001	514	451
		6,221,897		Frick et al.	04/24/2001	514	431
		6,277,831		Frick et al.	08/21/2001	514	431

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FOREIGN PATENT DOCUMENTS									
Examiner Initials'	Cite No.	Office Code	Foreign Patent Document Number	Kind	Name of Applicant or Patentee of Cited Document	Publication Date	Class	Subclass	T 6
		WO	95/35277	A1	Schering Corp.	12/28/1995	C07D	205/08	X
		WO	96/38047	A1	Unilever	06/01/1995	A23D	9/00	X
		WO	97/33882	A1	G.D. Searle & Co.	9/18/97	C07D	337/08	X
		WO	99/56558	A1	Raisio Benecol OY	07/08/2003	A23D	9/007	X
		WO	02/058733	A2	Schering Corp.	08/01/2002			
		WO	02/50060 = US6,703,386	A1	Advantis Pharma Deutschland AG	9/12/2002	C07D	205/08	
		EP	0 616 780	A2	Compania General Del Algarrobo	09/28/1994	A23L	1/308	X
		JP	60-196157		Amano Seiyaku	10/04/1985	A23L	1/03	
		JP	63-216490		Sagami Chem. Res. Ctr.	09/08/1988	C12P	7/64	
		JP	2000/245442		Sagami Chem. Res. Ctr.	09/12/00	C12n	1/20	
		JP	2001/309797		Nat. Institute of Advanced Industrial Science & Tech.	11/06/2001	C12P	7/64	
Examiner Signature				Date Considered					

IDS cited in spec

PTO/SB/08B				Confidentiality Marking 10/539174	
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OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), Title of the Article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published	T6		
		Brown et al. 1999; Am. J. Clin. Nutr. 69: p 30-42	X		
		Zunft et al. 2001, Adv. In Ther. 18: p230-36	X		
		GISSI-Prevenzione Investigators (Gruppo Italiano per lo Studio della Sopravvivenza nell'Infarto miocardico), Dietary supplementation with n-3 polyunsaturated fatty acids and vitamin E after myocardial infarction: results of the GISSI-prevenzione trial. Lancet. 1999; 354: p 447-455	X		
		Burr et al., Effects of changes in fat, fish and fibre intake on death and myocardial reinfarction: diet and reinfarction trial (DART), The Lancet, 1989, p 757-761	X		
		Gylling and Miettinen, Curr Control Trials Cardiovasc Med 2001, p 123-128	X		
		(V. Bartz 2002, Ernährung & Medizin 17, p 149-150			
		Peres-Olleros et al. 1999; J. Sci. Food Agric. 79, p 173-178	X		
		Tonon et al., Long chain polyunsaturated fatty acid production and partitioning to triacylglycerols in four microalgae. Phytochemistry 2002, p 15-24	X		
		Cho and Mo, Screening and characterization of eicosapentaenoic acid-producing marine bacteria, Biotechnology Letters 1999, p 215-218	X		
EXAMINER			DATE CONSIDERED		
EXAMINER: Initial citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

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Attorney Docket No.: 02/085 NUT
Customer No. 38263

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For: *Cholesterol-reducing agent containing an n-3 fatty acid*

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Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-145

Charlotte, North Carolina
June 14, 2005

Dear Sirs:

Pursuant to 37 CFR §§ 1.56 and 1.97 *et seq.*, Applicant hereby submits the attached Forms PTO/SB/08A; PTO/SB/08B and the references listed thereon. The references are in PDF Format and Word on the enclosed CD. The relevancy of each reference is disclosed in the attached International Search Report of the WO-Publication 2004/058281A1, which is the counterpart PCT application to the above-referenced application.

This submission does not represent an admission that each or all of the listed documents are material or constitute "prior art." Applicant respectfully requests that each reference be reviewed and made of record in the instant application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-2193.

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		Office Number	Kind Code						
		EP	0 616 780	A2	Compania General Del Algarrobo	09/28/1994	A23L	1/308	X
		EP	1 203 535	A1	Ind Agrícolas de Mallorca SA: Universitat de les Illes Balears	05/08/2002	A23L	1/172	X
		WO	02/43659		SmithKline Beecham Corp; Bendich Adrianne	06/06/2002	A61K	31/07	X
		JP	62061925 Abstract		Riken Kagaku Kogyo KK	03/18/1987	A61K	35/78	
ExaminerSignature				Date Considered					

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		ST-ONGE MARIE-PIERRE et al. "Consumption of a diet containing medium chain triglycerides, phytosterols and flaxseed oil for 28 d decreased blood lipid parameters compared to a diet containing olive oil" FASEB JOURNAL, Vol. 16, no. 4; March 20, 2002 p. A636 XP009028412 Annual Meeting of the Professional Research Scientists on Experimental Biology; New Orleans, Louisiana, April 20-24, 2002 ISSN: 0892-6638 the whole document	X
		DREXEL H et al.: "Therapy of hyperlipoproteinemia!" SCHWEIZERISCHE RUNDSCHAU FUR MEDIZIN PRAXIS = REVUE SUISSE DE MEDECINE PRAXIS. Switzerland April 27, 1993 Vol. 82, no. 17; pp 506-509 XP009028411; ISSN: 1013-2058 , Tabelle p 508	X
		FARMER J. A. et al.: "Choosing the right lipid-regulating agent: A guide to selection" DRUGS 1996 NEW ZEALAND. Vol. 52, no. 5; pp 649-661, XP009028410; ISSN: 0012-6667 , p 652; table 3	X
EXAMINER		DATE CONSIDERED	
EXAMINER: Initial citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

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